

M E M O R A N D U M

TO: Andrew Rivera, Planning Commission Coordinator
Planning and Zoning Department

FROM: Andy Halm – Property Agent Senior
Land Management Section
Office of Real Estate Services

DATE: October 30, 2015

SUBJECT: F#9572-1509 – Aerial Encroachment of the West 2nd Street right-of-way and the Nueces Street right of way by cantilevered enclosed building space.

Attached are the departmental comments and other information pertinent to the referenced right of way encroachment. **The proposed aerial encroachment is for enclosed building space, and will consist of the south and east faces of a thirty-three story mixed use building, located at 202 Nueces Street. This project is on Block 188, which is part of the Green Water Treatment Plant redevelopment. The right-of-way encroachment will begin approximately 33 feet above grade, and will remain “behind the curb”.** All affected departments and private utility franchise holders have reviewed this request and recommend approval, subject to conditions.

Chapter 14-11-51(D) of the City Code states that *“If the Director determines that additional review of the encroachment is necessary, the Director shall submit the proposed encroachment to the appropriate Land Use Commission for review and recommendation to Council.”* Accordingly, this application has been directed to the **November 10th, 2015, Planning Commission** for review and consideration.

Staff contact: Andy Halm at 974-7185, or at landmanagement@austintexas.gov

Applicant: James Schissler, of Jones & Carter, Inc.

Property Owner: City of Austin; Being sold to Taysha Real Estate Partners, LLC.

Mr. Schissler or his delegate will be present at the meeting to answer any questions regarding the project, if needed.

Andy Halm, Property Agent Senior
Land Management Section

OFFICE OF REAL ESTATE SERVICES
Attachments

DEPARTMENTAL COMMENTS FOR THE AERIAL ENCROACHMENT
OF WEST 2ND STREET AND NUECES STREET BY ENCLOSED BUILDING SPACE

AT&T	APPROVE
AUSTIN ENERGY	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	APPROVE – The encroachment must be at least 33' above grade.
CTM – GAATN	APPROVE
CAPITAL METRO	APPROVE
CODE COMPLIANCE	APPROVE
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE - Applicant responsible for relocation of utilities, if any.
PARD	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Engineering)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Transportation)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Neighborhood Planning)	PLANNING COMMISSION
PLANNING & DEVELOPMENT REVIEW (Urban Design)	APPROVE.
PLANNING & DEVELOPMENT REVIEW (Zoning Review)	APPROVE
PUBLIC WORKS (Office of the City Engineer)	APPROVE, conditioned that applicant must satisfy Great Streets requirements.
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
URBAN TRAILS	APPROVE
WATERSHED PROTECTION (Engineering)	APPROVE

MEMORANDUM

Case No.: 9572-1509

Date: Sept. 3, 2015

SUBJECT: **ENCROACHMENT OF STREET RIGHT OF WAY**

() Lucy Cabading	AT&T	() Marilyn Lamensdorf	PARD
() Melody Giambruno	Austin Energy	() David Marquez	PDRD (LUR-Engineering)
() Rob Spillar	Austin Transportation Director	() Sangeeta Jain	PDRD (LUR-Transportation)
() Angela Baez	Austin Water	() Mark Walters	PDRD (N'borhood Planning)
() Roberto Gonzalez	Capital Metro	() Humberto Rey	PDRD (Urban Design)
() Carlo DeMatos	CTM – GAATN	() Wendy Rhoades	PDRD (Zoning Review)
() Milissa Warren	EMS	() David Boswell	PWD – Office of City Eng'r
() David Brietzke	Fire	() Christian Barraza	Texas Gas
() Scott Cunningham	Google	() Scott Wratten	Time Warner
() Luis Mata	Grande Communication	() Katina Bohrer	WPD (Engineering)
() Mike Turner	Austin Resource Recovery	() Bruna Quinonez	Code Compliance

A request has been received for the [aerial encroachment](#) of unconstructed portions of the [Nueces Street and West 2nd Street right-of-ways](#) by cantilevered portions of a 33 story building (Adjacent to 202 Nueces Street).

Please review this request and return your comments to Eric Hammack (974-7079), email address: landmanagement@austintexas.gov or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: **September 27th, 2015.**

APPROVAL: _____ YES _____ Yes, Subj. to Req'm't _____ No

Comments: _____

Imagine Austin Comprehensive Plan - - - (CITY OF AUSTIN REVIEWERS ONLY):

Please also review the Vacation request based on the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan (page 186).

Comments: _____

Reviewed by: _____

Telephone: _____

Date: _____

August 31, 2015

Mr. Eric Hammack
Office of Real Estate Services
505 Barton Springs Road, 7th Floor
Austin, Texas 78704

1701 Directors Boulevard
Suite 400
Austin, Texas 78744-1024
Tel: 512.441.9483
Fax: 512.445.2286
www.jonescarter.com

Re: Aerial Encroachment Agreement Application
Block 188
202 Nueces Street
Austin, Texas 78701

Dear Eric,

On behalf of our client, Taysha Real Estate Partners, LLC, Jones & Carter, Inc. has prepared the attached aerial encroachment agreement application package for Lot 1A of Block 188. The lot is located on the northwest corner of Nueces Street and West 2nd Street within the city limits of Austin and is currently zoned CBD-CURE. This encroachment agreement application is to allow the construction of a 33-story building with portions of the building that extend into the right-of-way of Nueces Street and W 2nd Street. The building will include a subsurface parking garage, a hotel on the lower floors and condominium units on the upper floors. The lot is a portion of Lots 2 – 4 of Block 188 of the original City of Austin Plat and was re-subdivided to create Lot 1A for the portion of the half block that is outside Shoal Creek and associated channel improvements.

The 0.489-acre lot was previously developed as a portion of the Thomas C. Green Water Treatment Plant, but the plant was demolished and the site is currently cleared. The overhang into the right-of-way are necessary based on the small size of the lot due to Shoal Creek and the recently built channel improvements, and the waterfront overlay restrictions that require the building to be stepped back from Shoal Creek at a 70 degree angle starting at the line 45 feet above grade. There are associated site plan applications SPC-2015-0122A and SPC-2015-0143B that were submitted for the project. The project has been presented to the Design Commission, Waterfront Overlay Commission, Environmental Board and Planning Commission over the past few months.

If you have any questions or require additional information, please contact me at (512) 441-9493.

Sincerely,


James M. Schissler, PE, LEED AP

JMS/arh
J:/Projects/A648/004/General/Letters/UG Encroach Letter 082815.doc
Enclosures

Application for an Encroachment AgreementFile No. 9572-1509
Department Use OnlyDATE: 9-3-15
Department Use Only**1. TYPE OF ENCROACHMENT**

Encroachment Type:	<u>X</u>	<u>Aerial</u>	<u>Sub-surface</u>	<u>Surface</u>
List TYPE OF ENCROACHMENT to be placed on Public Property: <u>Building extending into the right-of-way</u>				
Has encroachment been installed prior to application: Yes No				
Adjoins property at the following street address: <u>202 Nueces Street</u>				

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: <u>010500 0304</u>	
Survey & Abstract No. _____	
Lot(s) <u>1A</u>	Block <u>188</u> Outlot _____
Subdivision Name: <u>Thomas C Green Subdivision</u>	
Plat Book _____	Page Number _____ Document Number <u>201200136</u>
County/Records: <u>Travis</u> County; Deed Real Property Official Public	
NOTE: Attach three dimensional metes and bounds survey of Encroachment area.	

3. RELATED CASES

	FILE NUMBERS
Existing Site Plan: YES / NO	<u>SP-2015-0143B</u>
Subdivision: Case: YES / NO	<u>C8-2012-0038.0A</u>
Building Permit: YES / NO	_____

4. APPLICANT INFORMATION

Name: <u>James M. Schissler, P.E.</u>		
Firm Name: <u>Jones & Carter, Inc.</u>		
Address: <u>1701 Directors Blvd., Suite 400</u>	City: <u>Austin</u>	State: <u>TX</u>
Zip: <u>78744</u>	Phone: <u>(512) 441-9493</u>	Fax No.: <u>(512) 445-2286</u>
EMAIL ADDRESS: <u>jschissler@jonescarter.com</u>		

5. DEVELOPER INFORMATION

Name: <u>Bradley Korzen</u>		
Firm Name: <u>Taysha Real Estate Partners, LLC</u>		
Address: <u>1729 Abbot Kinney Blvd.</u>	City: <u>Venice</u>	State: <u>TX</u>
Zip: <u>90291</u>	Phone: <u>(424) 244-1729</u>	Fax No.: <u>()</u>

6. LANDOWNER INFORMATION

Name: <u>City of Austin Economic Development Dept.</u> (as shown on Deed)		
Address: <u>201 W 2nd St., Suite 2040</u>	City: <u>Austin</u>	State: <u>TX</u>
Zip: <u>78701</u>	Phone: <u>(512) 974-7131</u>	Fax No.: <u>(512) 974-7825</u>
Lienholder Name: <u>N/A</u>		
Lienholder Address: _____		
Lienholder Phone Number: _____ Fax Number: _____		
(If multiple owners are joining in this request – complete names, addresses on each, must be attached.)		

7. LICENSEE INFORMATION, if other than Landowner (Tenant)

Name: _____		
Address: _____	City: _____	State: _____
Zip: _____	Phone: <u>()</u> _____	Fax No.: <u>()</u> _____
Contact Person: _____ Phone: _____		

I the undersigned Applicant declare that the information provided in this application is true and correct. I have read and understand that the processing of this Application will be handled in accordance with the Procedure for Requesting an Encroachment Agreement and that no action on processing will be taken without payment of the non-refundable processing fee. I understand that acceptance of this application and fee in no way obligates the City to enter into an Encroachment Agreement. I understand that the value of the Right-of-Way, if allowed to be encroached, will be determined by the City of Austin, Real Estate Services Division, a certified check will be required before scheduling an agenda item for Council review and Certificate of Insurance must be presented before an agreement, if approved, is executed. It is further understood that the City is not responsible for any cost or inconvenience incurred by the Applicant when the application is not approved.

Signed By: _____

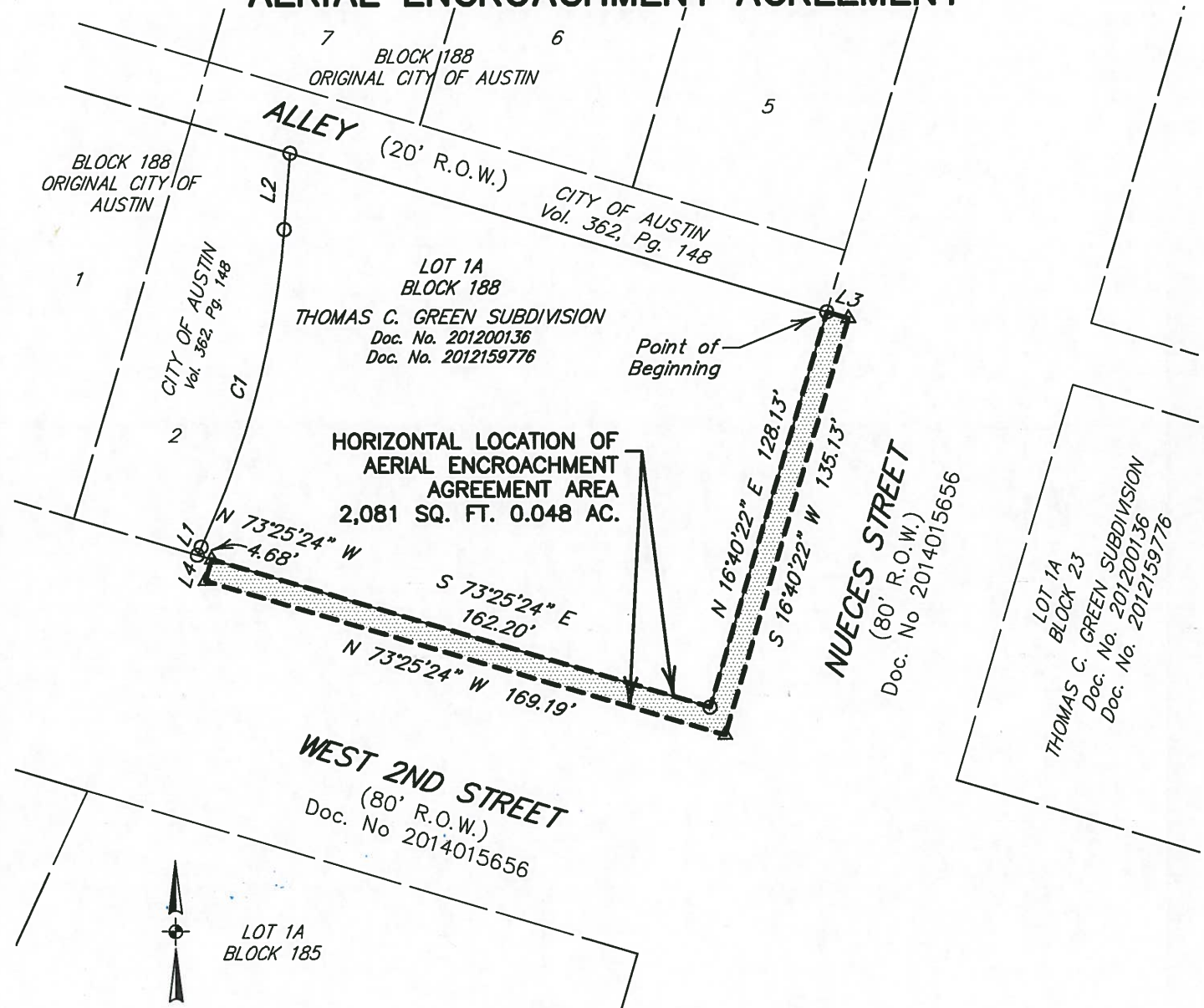


Applicant

Please check the appropriate box.

- ☐ Landowner
- ☐ Tenant
- ☒ Agent for Landowner
- ☐ Agent for Tenant

SKETCH TO ACCOMPANY LEGAL DESCRIPTION AERIAL ENCROACHMENT AGREEMENT



SCALE: 1" = 50'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 25°14'30" W	2.83'
L2	S 04°36'39" W	23.82'
L3	S 73°25'24" E	7.00'
L4	N 16°34'36" E	7.00'

BEARING BASIS NOTE:

HORIZONTAL DATUM BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE. DISTANCES SHOWN ARE SURFACE VALUES. COMBINED SCALE FACTOR IS 1.0000546074.

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	285.00'	102.63'	102.07'	S 14°55'38" W

Revised : September 24, 2015
 Client : Taysha Real Estate Partners, LLC
 Date : August 21, 2015
 Office : J. Nobles, G. Bowes, D. Bramwell, M. Carney
 Crew : J. Jones, S. Barger, R. Meyer, B. Rigsby
 F.B. : 621/74, 622/5
 Job No : 0A648-0004-00
 File : J:\Projects\A648\004\Survey\Draw Files\License Agreement\A648-0004-00_LA 3D 2.dwg
 J:\Projects\A648\001\Survey\Point Files\A648-001.crd

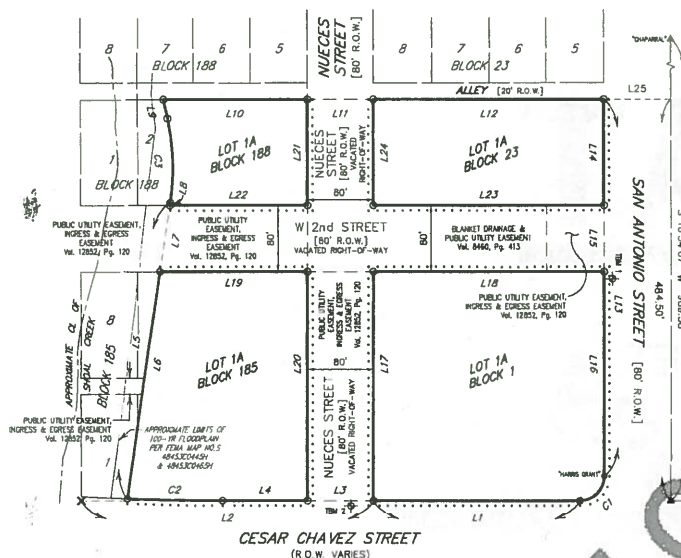

JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439
 1701 Directors Boulevard, Suite 400 • Austin, Texas 77081 • 512.441.9493

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PHOTOGRAPHIC MYLAR

THOMAS C. GREEN SUBDIVISION CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



LEGEND

- 1/2" IRON ROD FOUND IN CONCRETE
- 1/2" IRON ROD SET W/ CAP STAMPED "TERRA FIRMA"
- RECORD INFORMATION (Vol. 12676, Pg. 624) (Vol. 12676, Pg. 630) (Vol. 12852, Pg. 120)
- RECORD INFORMATION (Original City of Austin)
- SIDEWALK

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	30.00'	48.98'	42.31'	S 61°38'55" W
	(30.00')	(47.12')	(42.43')	(S 61°34'22" W)
C2	2957.41'	116.93'	116.92'	S 72°17'28" E
C3	285.00'	102.63'	102.07'	N 14°55'38" E

LINE	BEARING	DISTANCE
L1	N 73°25'24" W	250.61'
	(N 73°25'38" W)	(250.67')
L2	N 73°25'24" W	355.99'
	(N 73°25'38" W)	(355.99')
L3	N 73°25'24" W	80.00'
	(N 73°25'38" W)	(80.00')
L4	N 73°25'24" W	103.37'
	(N 73°25'38" W)	(103.20')
L5	N 25°14'30" E	361.13'
L6	N 25°14'30" E	277.38'
L7	N 25°14'30" E	80.92'
L8	N 25°14'30" E	2.83'
L9	N 04°36'39" E	23.82'
L10	S 73°25'24" E	174.55'
	(S 73°25'23" E)	(174.55')
L11	S 73°25'24" E	80.00'
	(S 73°25'23" E)	(80.00')
L12	S 73°25'24" E	279.69'
	(S 73°25'23" E)	(279.76')
L13	S 16°34'07" W	454.77'
	(S 16°34'21" W)	(454.84')
L14	S 16°34'07" W	128.13'
	(S 16°34'21" W)	(128.13')

LINE	BEARING	DISTANCE
L15	S 16°34'07" W	80.00'
	(S 16°34'21" W)	(80.00')
L16	S 16°34'07" W	246.64'
	(S 16°34'21" W)	(248.52')
L17	N 16°40'22" E	276.52'
	(N 16°40'08" E)	(276.52')
L18	S 73°25'24" E	280.07'
	(S 73°25'38" E)	(280.11')
L19	S 73°25'24" E	178.94'
	(S 73°25'38" E)	(178.94')
L20	S 16°40'22" W	276.52'
	(S 16°40'08" W)	(276.52')
L21	S 16°40'22" W	128.13'
	(S 16°40'08" W)	(128.13')
L22	N 73°25'24" W	166.88'
	(N 73°25'38" W)	(166.88')
L23	N 73°25'24" W	279.92'
	(N 73°25'38" W)	(279.97')
L24	N 16°40'22" E	128.13'
	(N 16°40'08" E)	(128.13')
L25	S 73°25'53" E	80.00'

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

That The City of Austin, acting herein by and through Fred Evins, its Redevelopment Project Manager, owner of 4.353 acres of land in the City of Austin, Travis County, Texas, being Lots 1-3, a portion of Lot 4, and Lots 5-8, Block 1 of the Original City of Austin, according to the map or plat of said City on file in the General Land Office of the State of Texas, as conveyed to it by instruments recorded in Volume 366, Page 10, Volume 386, Page 202 and Volume 502, Page 259 all of the Deed Records of Travis County, Texas, a portion of Lots 1, 2 & 7 and Lots 3-6, Block 185 of the Original City of Austin, according to the map or plat of said City on file in the General Land Office of the State of Texas, as conveyed to it by instruments recorded in Volume P, Page 151, Volume 365, Page 184, Volume 360, Page 561 and Volume 361, Page 29 all of the Deed Records of Travis County, Texas, a portion of Lot 2, and Lots 3-4, Block 188 of the Original City of Austin, according to the map or plat of said City on file in the General Land Office of the State of Texas, as conveyed to it by instruments recorded in Volume 362, Page 148 and Volume 2253, Page 52 both of the Deed Records of Travis County, Texas, and Lots 1-4, Block 23 of the Original City of Austin, according to the map or plat of said City on file in the General Land Office of the State of Texas, as conveyed to it by instruments recorded in Volume 363, Page 394 and Volume 2354, Page 140 of the Deed Records of Travis County, Texas, and Volume 12401, Page 590 of the Real Property Records of Travis County, Texas, together with a portion of the 20-ft Alley in Block 185 and the 20-ft Alley in Block 1 of said Original City of Austin, as conveyed to it by instrument recorded in Volume 12852, Page 120 of the Real Property Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to public notification and hearing provisions of Chapter 212.014 of the Texas Local Government Code, do hereby resubdivide said 4.353 acres of land in accordance with this plat, to be known as THOMAS C. GREEN SUBDIVISION, and do hereby dedicate to the public use of the easements shown hereon subject to any easements, covenants or restrictions heretofore granted and not released.

WITNESS MY HAND, this the 8TH day of JUNE, 2012, A.D.

By: City of Austin

Fred Evins
Redevelopment Project Manager
301 West 2nd Street, Suite 2030
Austin, TX 78701

STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, the undersigned authority on this day personally appeared Fred Evins, known to me to be the person whose name is subscribed to the foregoing instrument, and she acknowledged to me that she executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Melodye Faust
Notary Public, State of Texas

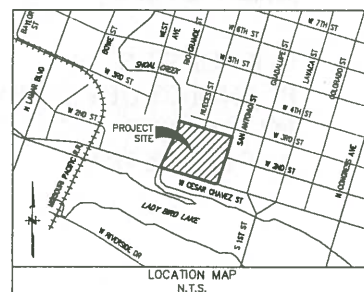
MELODYE FAUST
Print Notary's Name
My Commission Expires: 9-16-2014



BEARING BASIS NOTE:

HORIZONTAL DATUM BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE. DISTANCES SHOWN ARE SURFACE VALUES. COMBINED SCALE FACTOR IS 1.0000548074.

LOT ID	ACREAGE
LOT 1	1.775 ACRES
LOT 2	1.266 ACRES
LOT 3	0.489 ACRE
LOT 4	0.823 ACRE
TOTAL	4.353 ACRES



BENCHMARK NOTES:

1. TEMPORARY BENCHMARK FOR THIS SURVEY IS A "C" CHISELED ON TOP BACK OF CURB +/- 13 FEET SOUTHEAST OF THE NORTHEAST CORNER OF LOT 1A, BLOCK 1. (ELEVATION=454.95) (NAVD 88 DATUM)
2. TEMPORARY BENCHMARK FOR THIS SURVEY IS A 60-D NAIL FOUND IN EXPANSION JOINT OF SIDEWALK +/- 28 FEET SOUTHWEST OF THE SOUTHWEST CORNER OF LOT 1A, BLOCK 1. (ELEVATION=452.11) (NAVD 88 DATUM)

SHEET 1 OF 2

SURVEYOR:

terra firma

LAND SURVEYING

1701 Directors Boulevard, Suite 400 Austin, Texas 78744 512/328-6373 Fax 512/445-2288

ENGINEER:

JC JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS
Texas Board of Professional Engineers Registration No. F-439

1701 DIRECTORS BLVD., STE. 400
AUSTIN, TEXAS 78744
(512) 441-9493 (Phone)
(512) 445-2286 (Fax)

FILE: J:\Projects\A648\001\Survey\Drawing Files\502\A648-001_Plot.dwg
J:\Projects\A648\001\Survey\Point Files\A648-001.crd

JOB NO: 04648-001-00502
DATE: February 27, 2012
SCALE: 1"=100'

DRAWN BY: MSC
CHECKED BY: JON
REVISED: May 24, 2012

THOMAS C. GREEN
SUBDIVISION

CASE # CB-2012-0038.OA

[illegible]

STAFF
101127 Supply Group
USP/PROB11 BACT/ALO
WFOEC, CA 95031

AND ETC.
HANDEL ARCHITECTS LP
25000 HWY. 11, SUITE 200, SAN MARINO, CA 91103
415-442-5200

[illegible]

A2.00